



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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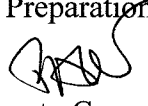
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County Counsel

March 19, 2014

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TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Augusta Millender, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 05-2298**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Augusta Millender, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 05-2298, in the amount of \$500,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuits alleges civil rights violations arising out of the execution of a search warrant conducted by Sheriff's Deputies.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Augusta Millender, et al. v. County of Los Angeles, et al.
CASE NUMBER	Case No.: CV05-2298
COURT	United States District Court
DATE FILED	Complaint filed: March 28, 2005
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	Donald Cook Mann & Cook
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$500,000, the lawsuit filed by Augusta Millender, Brenda Millender and William Johnson against the County of Los Angeles and eight Sheriff's Deputies alleging civil rights violations arising out of the execution of a search warrant at the Millender residence.</p> <p>Although Sheriff's Deputies obtained a judicial search warrant prior to entering the Millender residence, in light of the potential for high exposure and the uncertainties of litigation, a full and final settlement of the case in the amount of \$500,000 is recommended.</p>

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PAID ATTORNEY FEES, TO DATE	\$ 640,142
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PAID COSTS, TO DATE	\$ 118,426
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Case Name: Augusta Millender v. County of Los Angeles, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Thursday, November 6, 2003, approximately 5:50 a.m.
Briefly provide a description of the incident/event:	<p><b><u>Augusta Millender v. County of Los Angeles, et al.</u></b> <b><u>Summary Corrective Action Plan No. 2013-034.1</u></b></p> <p>On Thursday, November 6, 2003, at approximately 5:50 a.m., members of the Los Angeles County Sheriff's Department's Special Enforcement Bureau executed a search warrant and an arrest warrant at the plaintiff's residence. The location named in the search warrant was believed to be the residence of a gang member wanted for the attempted murder of his girlfriend. The suspect was named in an arrest warrant and believed to be armed with a sawed-off shotgun. The search warrant commanded members of the Los Angeles County Sheriff's Department to seize all firearms, relevant documents showing the purchase or possession of firearms, and any evidence of gang membership.</p> <p>Members of the Los Angeles County Sheriff's Department detained the occupants of the residence while the location was searched. Following the execution of the search warrant, the occupants were released.</p> <p>While the suspect named in the arrest warrant was not present at the location, items with evidentiary value were found, including a shotgun and documentation confirming the suspect resided at the plaintiff's residence.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is a court decision ruling that the search warrant reviewed by a Deputy District Attorney and signed by a magistrate was overbroad and should not have authorized the seizure of any weapons other than the weapon used in the original crime.

This section intentionally left blank.

County of Los Angeles  
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

No employee misconduct is suspected or alleged, and no systemic issues were identified. Consequently, no employee-related administrative action was taken.

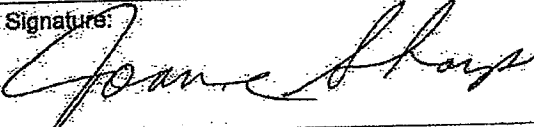
On October 28, 2010, the Los Angeles County Sheriff's Department's Field Operations Support Services (FOSS) unit published newsletter 10-09, Overbroad Search Warrants, to address the circumstances which occurred in this incident. The newsletter was distributed to all Department personnel. It is attached to this corrective action plan.

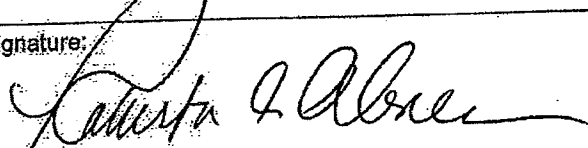
The newsletter was republished on February 5, 2014.

3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.  
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Joanne Sharp, Captain Risk Management Bureau	
Signature: 	Date: 2-7-14

Name: (Department Head) Roberta A. Abner, Chief Internal Investigations Division	
Signature: 	Date: 2/19/14

County of Los Angeles  
Summary Corrective Action Plan

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Destiny Castro	
Signature:	Date:
Destiny Castro	2/20/2014